



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS ELECTRONIC SYSTEMS CENTER (AFMC)
HANSCOM AIR FORCE BASE MASSACHUSETTS

MEMORANDUM FOR SAF/AQC (Mr. Evey)

JUN 27 1997

FROM: HQ ESC/PK
104 Barksdale Street
Hanscom AFB MA 01731

SUBJECT: Request for Class Deviation to AFFARS Appendix AA , "Formal Source Selection for Major Acquisitions", and AFFARS Appendix BB, "Source Selection Procedures for Other than Major Acquisitions"

1. In accordance with AFFARS Appendix AA paragraph AA-114, and AFFARS Appendix BB paragraph BB-114, HQ Electronic Systems Center (ESC) requests subject deviation from AFFARS Appendix AA paragraph AA-403(b) and AFFARS Appendix BB paragraph BB-403(b) to allow the release of Software Capability Evaluation (SCE) information for reuse purposes.

a. Organization requesting deviation: Contracting Directorate of the Electronic Systems Center (ESC), Air Force Materiel Command.

b. AFFARS citation and type of deviation: AFFARS Appendix AA paragraph AA-403(b) and AFFARS Appendix BB paragraph BB-403(b) state that " While the source selection is in process, disclosure of source selection information is the exclusive responsibility of the SSA and the contracting officer (see FAR 3.104). After contract award, this authority is vested in SAF/AQC, or the responsible PEO, DAC, or activity commander for the specific contract or records involved." This is a request for a class deviation.

c. Description of deviation: We are seeking a deviation to allow information generated as part of a Software Capability Evaluation (SCE) to be released for use in subsequent source selections without approval from SAF/AQC or the responsible PEO, DAC, or activity commander. SCEs are conducted during a source selection as a method for determining the software process capability of an offeror. This SCE information is then placed into an ESC SCE Repository for use in subsequent source selections. ESC has instituted protections to ensure the integrity of the reuse process. Release is only to Government or otherwise authorized personnel requesting the SCE material for reuse, and is granted by ESC/PKA only where the subsequent source selection includes performance or reuse of an SCE as part of its source selection, and they receive a proposal from the same division or location of a company upon which an SCE was performed as part of a prior source selection. We are requesting this deviation to address the release of SCE information from the ESC SCE repository to the reusing source selection. Release to the personnel engaged in maintaining the ESC SCE Repository is not an issue; as ESC staff members they sign an annual, blanket "class" source selection non-disclosure statement. This deviation would allow SCE teams on a source selection team to have access to

SCE material from other source selections, which are maintained in the ESC SCE repository, without prior PEO/DAC/activity commander approval. Since this would authorize a lesser limitation on a procedure prescribed by the AFFARS, this deviation is best described by the definition at FAR 1.401(e).

d. Impact on agency and contractors: Approval of this deviation will have no effect beyond altering the internal operating procedures of ESC; it will have no significant cost or administrative impact on offerors. We recognize that certain SCE information is considered proprietary, and cannot be released to SCE contractor personnel (government contractors who assist in evaluating an offeror's software capability level) without an offeror's permission. Upon approval of this deviation, we will include a statement in our RFP enabling provisions informing offerors that the Government intends to allow SCE contractor personnel access to SCE information, and obtain appropriate permission from offerors. As with all our source selections, only those personnel with a strict need to know, and who have signed the proper certification, will have access to release of source selection information.

e. Period of time for which deviation is required: This class deviation should remain in effect indefinitely, or until Appendix AA and Appendix BB are rewritten to include language which permits release of SCE information to SCE teams without going through approval procedures by the PEO, DAC or activity commander.

f. Previous approval of deviation: No request for a deviation such as this has been previously submitted.

g. Publication in Federal Register: As permitted by FAR 1.501-3(a), this deviation has not been published in the Federal Register since it does not constitute a "significant revision" as defined in FAR 1.501-1.

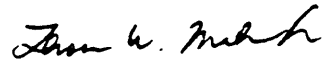
h. Review of deviation by legal counsel: ESC/JAN completed its review of this deviation on 25 March 1997. All suggested revisions were incorporated.

i. Rationale: SCEs are conducted during a source selection as a method for determining the software process capability of an offeror. This SCE information is then placed into an ESC SCE Repository for use in subsequent source selections, if that source selection includes an offeror on which the Government has previously conducted an SCE. Reuse of SCE information is more often than not the best method for obtaining SCE information on ESC software intensive programs. Reuse saves time, resources and reduces the cost of source selection (for both the government and industry). Currently, an SCE team which hopes to reuse another program's SCE information must wait until its own proposals are received (in order to identify the offerors), then process a request for release of source selection information through the appropriate PEO, DAC or activity commander who controls the records. This can often result in a delay of several weeks until the team receives permission to obtain the SCE information. SCE material includes the following: the SCE volume submitted with the offeror's proposal; the Software Process Improvement Plan (SPIP) submitted with the proposal; the final Key Process Area worksheets; findings of the SCE Team reported as strengths, weaknesses, and improvement

activities; and any CRs, DRs, or other SCE-related communications to the Offerors as well as the Offerors' response to them. Since the release of the SCE information is basically routine and the information released is for Government purposes only, the approval step could be eliminated, thereby streamlining the source selection evaluation process. By approving the deviation, the regulation would permit release of SCE information without requiring the step of requesting approval of releasing the data from the PEO, DAC or activity commander.

2. We emphasize that this deviation request only pertains to release of SCE information gathered during a source selection on programs that have already been awarded and that the reuse of that information will be by source selection teams involved in acquisitions of a similar nature. Permission to reuse SCE information from an in-process source selection will be handled by including a statement (as appropriate) in the Source Selection Plan that the Source Selection Authority (SSA) approves the release of the SCE information generated for reuse for source selection evaluation purposes. This is in accordance with AFFARS paragraph AA-403(b) and paragraph BB-403(b) which state that the SSA approves release of source selection information during the actual conduct of a source selection. We believe that, for an on-going source selection the SSA of the releasing source selection should retain this authority. Offerors are also put on notice in the Instructions for Proposal Preparation that the Government reserves the right to reuse information from previous SCEs.

3. Should your staff have any questions, request they contact the undersigned at DSN 478-2201, or Ms Irene Biddy at DSN 478-5852/3.



THOMAS W. MAHLER, JR
Colonel, USAF
Director of Contracting

cc:

Ms Linda Williams, AFMC/PK